

1 Orly Taitz, Esq., State Bar #223433

2 **LAW OFFICES OF ORLY TAITZ**

3 29839 Santa Margarita Pkwy, Ste 100

4 Rancho Santa Margarita, CA 92688

5 Telephone (949) 683-5411

6 Email: orly.taitz@hushmail.com

7 Attorney for Counterclaimants Taitz and DOFF

8 **UNITED STATES DISTRICT COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**

10 ORLY TAITZ, DOFF,

11 Counter plaintiffs

12 v.

13 LISA OSTECCA

14 Counter defendant

Case No. 8:11-CV-00485-AG(RAO)

Amended Counter complaint

1. Appropriation of likeness

Cal. Civ. Code § 3344

2. Fraud-Intentional Misrepresentation

3. Abuse of Process-Malicious
Prosecution

4. Defamation

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4 **TO THE COURT, ALL PARTIES, AND/OR THEIR ATTORNEYS OF**
5 **RECORD:**

6 **COME NOW** Counter-Plaintiffs ORLY TAITZ (“Taitz”) and Defend Our
7 Freedoms Foundation, Inc. (“DOFF”) hereby submit the following Counterclaim
8 against Plaintiff and Counter-Defendant LISA M. OSTELLA (“Ostella”)
9

10
11 **JURISDICTION AND VENUE**

12 1. These are compulsory counterclaims arising out of the same alleged
13 events, transactions and occurrences that are set forth in Plaintiff's various
14 Complaints. Counterclaimants file this Counter-complaint with the reservation of
15 rights and do not waive their opposition to jurisdiction of the Plaintiffs' complaint.
16

17 **GENERAL ALLEGATIONS**

18 2. Taitz is an individual who has resided, at all times referred to herein,
19 and continues to reside, in Orange County, California, and who has maintained and
20 continues to maintain her principal place of business in Rancho Santa Margarita,
21 California. Taitz, at all times mentioned herein and presently, has been and is an
22 attorney duly licensed by the State of California. Taitz is also a licensed Doctor of
23 Dental Surgery. Taitz is and has been active, at all times mentioned herein, in the
24 political movement dedicated to promotion of Constitutional freedoms of the
25 citizens of the United States and related political causes.
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1 3. Taitz is and has been at all times referred to herein the president of
2 DOFF, a California corporation in good standing with the State of California.
3 At all times mentioned herein, and presently, DOFF is a California foundation
4 dedicated to promotion of Constitutional freedoms of the citizens of the United
5 States and related political causes.

6 4. Taitz is informed and believes and on that basis alleges that Ostella is,
7 and has been at all times referred to herein, an individual residing and who has
8 resided, and who has conducted business, in the State of New Jersey.

9 5. Taitz is further informed and believes and based thereon alleges that
10 Ostella was an officer, director and/or owner of Go Excel Global Incorporated,
11 which is believed to have been formed in the State of New Jersey beginning in
12 June 2002 but which had its corporate status revoked by the New Jersey Secretary
13 of State in January 2012.

14 6. Orly Taitz is both a licensed Attorney and a licensed Doctor of Dental
15 Surgery. In 2008 Taitz brought several legal actions dealing with constitutional
16 freedoms. In one of these actions Taitz represented Dr. Alan Keyes, a prominent
17 African-American political leader and former US representative to the United
18 Nations economic commission. Because of her representation of Keyes, Taitz
19 became well known and many people were interested in her work.
20

21 7. Taitz spent a lot of time travelling to 34 states and Washington, D.C.,
22 meeting with state and US representatives, government officials, judges and
23 justices of the Supreme Court and law enforcement officials, promoting elections
24 integrity and constitutional freedoms of the US citizens.

25 8. In and around November 2008 Taitz was contacted by Lisa Ostella,
26 who represented herself, as a supporter. Taitz incurred heavy expenses for her pro
27 bono work, as she had to pay high travel costs and the cost of legal challenges.
28

1 Many supporters suggested to Taitz that she would need a foundation to get
2 donations to help pay for her work.

3 9. On December 17, 2008, Ostella suggested to Taitz that Taitz create a
4 PayPal account to get donations from the public to help Taitz pay for expenses of
5 her pro bono work. On December 17, 2008 Ostella sent an e-mail to Taitz: "Do you
6 want me to make you a PayPal account with your account? I'll need a tax ID and I
7 can set it up. Or wait until the foundation/ tax shelter/fictious (sic) name thing is
8 worked out? Lisa Ostella".

9 10. On the next day, December 18, 2008, Taitz wrote to Ostella: "Lisa, I
10 thought of a name for the foundation. Defend Our Freedoms Foundation. What do
11 you think?" Within half an hour Ostella responded: "Defend Our Freedoms sounds
12 good." Immediately after this conversation Ostella, as a web master, through her
13 company GoExcelGlobal, registered the web addresses for Taitz under the name
14 "Defend Our Freedoms" which was chosen by Taitz for her foundation.

15 11. Within hours of Taitz giving Ostella the name she chose for the
16 foundation, Ostella wrote to Taitz: "Your website is up and the domain secured. It
17 can take up to 3 days for this to be viewable
18 live.<http://www.defendourfreedoms.org>. I am also working on your youtube
19 channel:<http://www.youtube.com/user/drOrlyTV>."

20 12. Ostella clearly represented to Taitz that this was Taitz's website
21 and Taitz's web addresses. Ostella advised Taitz that she got a block of web
22 addresses defendourfreedoms.com, .us, .net, .org for the Defend Our Freedoms
23 Foundation and the PayPal account on the website will be linked to the account for
24 the foundation. Ostella specifically advised Taitz that she needed to register all of
25 those web addresses for the foundation so that "squatters" will not divert traffic
26 and donations from the foundation. The subsequent account for Pay Pal was under
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1 the name DefendOurFreedoms with the primary e-mail address being
2 orly.taitz@gmail.com and the primary contact being Orly Taitz. Only a few
3 months later Ostella ended up being the “squatter”.

4 13. Based on Ostella's representations to Taitz, and acting in justifiable
5 reliance on them, Taitz allowed Ostella to assist her to create an online blog and
6 web site connected to web addresses defendourfreedoms.net,
7 defendourfreedoms.com, defendourfreedoms.us, and defendourfreedoms.org.
8 Ostella had control of the blog and the website and Taitz was not aware that some
9 web masters use their position as web masters to draw personal benefit from the
10 websites they created for others.

11 14. By January 2009 donations through Pay-Pal on DOFF reached \$5,000
12 per month.

13 15. Ostella, by her own admission, locked Taitz and her foundation out of
14 the web site for Defend Our Freedoms Foundation (DOFF) and replaced the
15 foundation Pay-Pal account with her own Pay-Pal account and continued soliciting
16 donations under the name of the foundation "Defend Our Freedoms".

17 16. Ostella subsequently, and without consent of Taitz, continued to
18 operate the website for DOFF and used a domain name (DefendOurFreedoms.net),
19 one of the URLs that she originally obtained for Taitz's DOFF. Thus, when
20 supporters of Taitz entered the name "Defend Our Freedoms" in the search area of
21 their computers, this would direct them to Ostella's website, despite that Ostella no
22 longer had any affiliation with Taitz or her Foundation DOFF.
23

24 17. Ostella kept the picture of Taitz, the President of the foundation, on
25 the top of the front page of the web site, she kept the name "Defend Our
26 Freedoms" on the top of the site and over the donation button and in the receipt for
27 donors. Ostella was seeking to defraud the donors and make them believe that this
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1 is the DOFF web site, when donations made through that web site after April 11,
2 2009 no longer went to the foundation, but went to Ostella's pocket.

3 18. Additionally, Ostella linked to the DOFF web site an auction web site
4 that she ran as well. Ostella wrote on the web site "Defend Our Freedoms. Want to
5 help out but don't have money to donate? Defend Our Freedoms has partnered
6 with Breederville.com. By registering at this link you can set up a business store,
7 hold an auction, sell your products and sell livestock while supporting Defend Our
8 Freedoms. Not only do you promote yourself and earn money for your own
9 business; but you earn money for Defend Our Freedoms. Defend Our Freedoms
10 makes money from the Breederville.com auction fees. So you don't need to do any
11 additional steps." (<http://www.defendourfreedoms.org:80/auction.html>)

12 19. This was a scam, an egregious fraud, Ostella did not forward one cent
13 to the Defend Our Freedoms foundation from either the donations that she
14 collected from around April 11, 2009 or auction fees or other scams.

15 20. Ostella used the web addresses for DOFF to link to her other ventures,
16 such as travel sites GoExcelGlobal site promoting trips to Florida and Caribbean,
17 iDenville.com, where she collected as much as \$1,000 per ad or
18 NewYorkCityCommunity site.

19 21. Taitz had to create a new web site for the foundation, where she made
20 several notices to the donors, advising them not to go to the old web site, which
21 was taken over by the web master Lisa Ostella, as donations given on that site did
22 not go to the foundation, but went to Ostella's pocket.

23 22. During 12.20.2010 hearing before Judge Robreno, who presided over
24 this case initially, "Ostella testified that she worked for Taitz as her web designer.
25 She also assisted Taitz with her web site defendourfreedoms.org and connected
26 pay-pal accounts for collecting donations to the site. On cross-examination Ostella
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28

1 conceded that she locked Taitz out of her website defendourfreeoms.org and her
2 associated PayPal accounts" (12.23.2010 Memorandum order by Judge Robreno
3 Dkt 160).

4 23. Ostella sought to retaliate against Taitz for exposing her diversion of
5 donations from DOFF. She fabricated various defamatory allegations about Taitz,
6 her husband and her donors and supporters.

7 24. While Taitz traveled to New Jersey to file a police report against
8 Ostella for diversion of donations, Ostella fabricated an extremely defamatory
9 story that Taitz was threatening to kidnap Ostella's children and was seeking a hit
10 man to "professionally kidnap Ostella's children".

11 25. Ostella admitted that she instigated a criminal case against Taitz,
12 which was immediately dismissed, however, these defamatory statements ruined
13 the reputation of Taitz and represent a valid basis for claim for defamation,
14 malicious prosecution and abuse of process. Later, during 12.20.2010 hearing
15 Ostella admitted that it was a fabrication and that she knew that Taitz traveled to
16 New Jersey to file a police report, not to kidnap Ostella's children.

17 26. Additionally, Ostella admitted that she forged Taitz's signature by
18 copying her signature from one document to others. She claimed that Taitz
19 allowed her to do so. Taitz never allowed Ostella to forge her signature. Those
20 defamatory allegations reduced Taitz's reputation. Taitz is a licensed attorney and
21 a licensed dentist. Allegations of allowing someone to forge her signature were
22 defamation per se.
23

24 **FIRST COUNTER-CLAIM APPROPRIATION OF LIKENESS**

25 **Cal. Civ.Code § 3344**

26 **(TAITZ AND DOFF AGAINST OSTELLA)**
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1 27. Counter-Plaintiffs incorporate all prior paragraphs as if fully pled
2 herein.

3 28. Ostella took over the website for DOFF and replaced the DOFF
4 PayPal account with her personal PayPal account and continued soliciting
5 donations.

6 29. Ostella kept at the top of the website a picture of Taitz speaking at the
7 National Press club. She also kept the name of DOFF and underneath she had a
8 donate button with the word "donate."

9 30. Ostella posted the name of the foundation "Defend Our Freedoms" in
10 the receipt area of Pay-Pal.

11 31. Ostella was seeking to defraud the donors and make them believe that
12 this is the DOFF web site, when donations made through that web site after April
13 11, 2009 no longer went to the foundation, but went to Ostella's pocket.
14 Additionally, Ostella ran advertising on the aforementioned web site. Moreover,
15 Ostella linked web addresses of Defend Our Freedoms to commercial web sites
16 that she ran and still running, such as GoExcelGlobal.com that advertised trips to
17 Florida, such as iDenville.com, about the city of Denville, where Ostella resides
18 and where she is charging \$450-\$1,000 per ad and others. Without any permission
19 from DOFF and it's president Taitz, Ostella drew and is still drawing financial
20 profit from likeness of Taitz and DOFF.

21 32. Additionally, Ostella linked to the DOFF web site an auction web site
22 that she ran as well. Ostella wrote on the web site "Defend Our Freedoms. Want to
23 help out but don't have money to donate? Defend Our Freedoms has partnered
24 with Breederville.com. By registering at this link you can set up a business store,
25 hold an auction, sell your products and sell livestock while supporting Defend Our
26 Freedoms. Not only do you promote yourself and earn money for your own
27 28

1 business; but you earn money for Defend Our Freedoms. Defend Our Freedoms
2 makes money from the Breederville.com auction fees. So you don't need to do any
3 additional steps." (<http://www.defendourfreedoms.org:80/auction.html>)

4 33. Ostella appropriated likeness of Taitz and DOFF in order to collect
5 donations and draw economic benefit. Ostella did not have any permission or
6 consent from Taitz or DOFF to use their likeness of advertising, money making or
7 any other purpose. Ostella financially benefitted from appropriation of likeness of
8 Taitz and DOFF.

9 34. The aforementioned conduct of Ostella was done with the intention on
10 her part of thereby depriving Taitz of property or legal rights or otherwise causing
11 injury, and was despicable conduct that subjected Taitz to a cruel and unjust
12 hardship in conscious disregard of her rights, so as to justify an award of
13 exemplary and punitive damages.
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16 **SECOND COUNTER CLAIM**

17 **FRAUD - INTENTIONAL MISREPRESENTATION AGAINST OSTELLA**
18 **(Taitz and DOFF against Ostella)**
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20 35. Taitz and DOFF incorporate the allegations in all prior paragraphs,
21 inclusive, of these counterclaims by this reference as though fully set forth herein.

22 36. As alleged above, Ostella represented to Taitz that Ostella was a
23 webmaster with expertise in computer and online technologies, and a supporter of
24 Taitz and her related political activities. Ostella further represented that Ostella
25 would create a blog and website for Taitz, in furtherance of Taitz and her political
26 activities.

27 37. The representations of Ostella were false.
28

1 38. Ostella knew that such representations were false when they made
2 them, or made the representations recklessly and without regard for their truth.

3 39. Ostella intended that Taitz rely on their representations.

4 40. Taitz reasonably relied on the representations of Ostella in that Taitz
5 allowed Ostella to assist her to create a blog and related website, including but not
6 limited to allowing Ostella to create a PayPal link by which, among other methods,
7 Ostella then diverted donations, by replacing the foundation Pay-Pal account with
8 her personal Pay-Pal account, and to allow Ostella to convert such donations and
9 other monies belonging to Taitz and DOFF for her own use.

10 41. As alleged herein, Taitz was harmed in reasonable reliance on the
11 representations of Ostella including but not limited to arising out of Ostella's
12 diversion of donations intended by donors to be received by Taitz and DOFF away
13 from them, and to allow Ostella to convert such donations and other monies
14 belonging to Taitz and DOFF for her own use.

15 42. As alleged above, Taitz's reliance on the representations of Ostella
16 was a substantial factor in causing her harm resulting damages.

17 43. Additionally, Ostella defrauded the donors, DOFF and Taitz when she
18 linked the foundation web site DefendOurFreedoms.org to her auction web site
19 Breederville.com.

20 Ostella posted on the web site that part of the proceeds from the auctions of
21 property of the donors will go to Defend Our Freedoms. however she did not
22 transfer one cent to Defend Our Freedoms. This was an additional count of fraud
23 by Ostella.

24 44. The conduct of Ostella was an intentional misrepresentation, deceit, or
25 concealment of a material fact known to Counterclaim Defendants with the
26 intention on their part of thereby depriving Taitz of property or legal rights or
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1 otherwise causing injury, and was despicable conduct that subjected Taitz to a
2 cruel and unjust hardship in conscious disregard of her rights, justifying an award
3 of exemplary and punitive damages.

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5 **THIRD COUNTER CLAIM**
6 **MALICIOUS PROSECUTION and ABUSE OF PROCESS**
7 **(Taitz Against Ostella)**
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10 45. Taitz incorporates by this reference all prior paragraphs as if fully pled
11 herein.

12 46. Without any probable cause and with malice Ostella filed a police
13 report in North Brunswick, New Jersey, claiming that Taitz is seeking to have
14 Ostella's children professionally kidnapped.

15 47. Based on Ostella's declaration under penalty of perjury, this report led
16 to criminal proceedings that were resolved in favor of Taitz. "15. I was provided a
17 Court date in North Brunswick to appear regarding the criminal threats made by
18 Taitz. The Court sent a subpoena to Orly Taitz to appear for criminal court to
19 establish whether there was sufficient cause to charge her criminally. Taitz never
20 appeared. The Judge handling this procedure stated he had spoken with the Federal
21 Bureau of Investigations (FBI); and he had to close the proceedings." p8.

22 07.25.2011 Declaration by Ostella in case at hand Dkt 312 Page ID #7228

23 48. Ostella admitted under penalty of perjury that she knew that her
24 allegations against Taitz were not true: At the December 12, 2010 hearing in the
25 case (Dkt. No. 201-7) Ostella admitted that the allegations of stalking were
26 fabricated by Berg. Ostella also admitted that she knew that Taitz did not travel to
27 stalk Ostella or to kidnap Ostella's children:
28

1 By Ms. Taitz: "Q Ma'am, have you--you have accused me of stalking
2 you and you have accused me--I mean I am an attorney and you have accused me
3 of trying to hire a hitman to kidnap your children.

4 A I did not make those statements.

5 Q Who made those statements.

6 A Those weren't made by me.

7 Q But can you tell me who made those statements? Where--

8 A They are in the court filings on this.

9 Q And who made those--

10 A I don't know who writes what.

11 Q And who made those court filings?

12 A They came from my attorney's law office.

13 Q You mean they came from Mr. Berg, right?

14 A His law office, yes.

15 Q And how did he come up with this idea that I tried to hire someone to
16 kidnap your children? Can you explain?

17 A Oh, that?

18 A Yes

19 A That wasn't hit man. That was different. Are you talking about--okay.
20 Because if you're talking about the kidnapping of my children, that was--

21 Q Ye.s

22 A --different from Ruben Nieto.

23 Q Okay, How--I mean you--you have accused me of serious crimes.

24 A Yes I have.

25 Q And on what basis?

26 A You came to New Jersey after the last court date and drove around
27 New Jersey, drove past my child's school, drove past my house.

28 Q Ma'am--

A I--

Q Ma'am, excuse me. Where--from what, where do you get it? You--
there is--there is--I--there is no evidence to that. I would--

A Yes, there is.

Q I went to New Jersey to report you, report the fact that you locked me
out of the account of my foundation and you replaced my PayPal with your PayPal.
I went to New Jersey to report diversion of funds from my foundation Instead, you
accuse me of going to New Jersey to kidnap your children. From what?

A No, I didn't accuse you of going to kidnap my children on that trip. I
have an affidavit.

The witness: Tab K. sir, in the binder I gave you.

1 The court: To what effect?

2 The witness: Tab K is the gentleman that was with her when she drove
3 around New Jersey.

4 Ms. Taitz: He is not here. This is--he is the--

5 The witness: His affidavit is here.

6 Ms. Taitz: But this is hearsay. I cannot question him.

7 The witness: Affidavits are not hearsay.

8 By Ms. Taitz:

9 Q Does it say anywhere in that affidavit that I was trying to kidnap your
10 children?

11 A No, I did not say it was.

12 Q Does it say that I went to report you to the police, yes or no?

13 A Yes, you came--

14 Q Okay. Thank you."

15 (Dkt. No. 201-7, pg. 129, lines 24-25, pg. 130 in the case at hand)

16 49. Additionally, in order to cause maximum harm to Taitz, Ostella filed
17 frivolous law suits against the husband of Taitz and his company, "Daylight
18 Chemical Information Systems."

19 50. These cases were dismissed by this court in favor of the defendants.
20 The cases were brought without any justifiable purpose, only with the goal of
21 harassing Taitz and her husband and their family and with the purpose of inflicting
22 enormous emotional distress on Taitz. All of which represented an Abuse of
23 Process and Malicious Prosecution.

24 51. Additionally, without any legitimate purpose, Ostella brought a legal
25 action against Orly Taitz, inc, the dental office of Dr. Taitz, which had no
26 connection to the dispute at hand. After 8 years of litigation Ostella voluntarily
27 dismissed the case, however Taitz suffered enormous financial damage and
28 emotional toll.

52. Additionally, Ostella sued DOFF for 8 years. The case was brought
without any justifiable purpose, only with the goal of harassing Taitz and with the
purpose of causing enormous financial damage inflicting enormous emotional
distress on Taitz.

53. Additionally, Ostella sued Law Offices of Orly Taitz for 8 years. The
case was brought without any justifiable purpose, only with the goal of harassing
Taitz and with the purpose of causing enormous financial damage inflicting
enormous emotional distress on Taitz.

54. All of the above represented an Abuse of Process and Malicious

1 Prosecution.

2 55. The aforementioned conduct of Ostella was done with the intention on
3 her part of thereby depriving Taitz of property or legal rights or otherwise causing
4 injury, and was despicable conduct that subjected Taitz to a cruel and unjust
5 hardship in conscious disregard of her rights, so as to justify an award of
6 exemplary and punitive damages.

7
8 **FOURTH COUNTER-CLAIM DEFAMATION**
9 **(Taitz against Ostella)**

10 56. Counter -Plaintiffs incorporate by reference all prior paragraphs as if
11 fully pled herein.

12 57. Counter defendant Ostella fabricated untrue egregious defamatory
13 allegation that Taitz threatened to kidnap her children, that she was seeking to have
14 Taitz's children "professionally kidnapped". Ostella posted those allegations on the
15 web site defendourfreedoms.net which she managed and repeatedly submitted
16 them to this court.

17 " Just as pointed out in Plaintiffs' previous filings, Defendant Orly Taitz is stalking
18 Lisa Liberi; her son; Lisa Ostella; and Lisa Ostella's children. Defendant Taitz has
19 threatened to destroy Plaintiff Liberi and get rid of her, which Defendant Taitz in
20 one of her filings with this Court has admitted; Defendant Orly Taitz has also
21 threatened to have Plaintiff Lisa Ostella's children professionally kidnapped; and
22 on June 25, 2009 drove around where Plaintiff Ostella and her family
23 reside and where Plaintiff Ostella's children attend school"

24 "Due to the facts that Defendant Taitz's behaviors have now escalated to an
25 extremely dangerous level against the Plaintiff, their husbands and children, e.g.
26 Felony Stalking across state lines and what appears to be Defendant Taitz's
27 attempt to hire an individual with a violent background to physically harm Lisa
28 Liberi; her son and husband; as well as Lisa Ostella and her children, it is
imperative that this Court refer this matter to the United States Attorney's Office
or the United States Department of Justice immediately, before one of the
Plaintiffs' are physically hurt and/or killed." (Liberi v Taitz Dkt 137. p. 1)

58. These outrageous defamatory allegations were reposted all over the

Internet thousands of times, which ruined reputation of Taitz.

Liberi v. Taitz, et al. - Page 135 - Fogbow
<http://thefogbow.com/forum/viewtopic.php?f=64&t=520&start=3350>
[thefogbow.com](#) > ... > [President Obama's Eligibility](#) > [Birther Cast & Crew](#) > [Phil Berg](#)

Dec 22, 2010 - Taitz, et al. Post by realist » Wed Dec 22, 2010 2:40 am. The legal actions of Berg, Liberi, and Ostella are indeed deplorable with their allegations and innuendo of murder for hire and kidnapping of women and children.

<https://www.scribd.com/document/35152925/LIBERI-v-TAITZ-EASTERN-DISTRICT-of-PA-137-REPLY-to-Response-to-Motion-paed-15308057603-137-0>

https://slidedocument.org/the-philosophy-of-money.html?utm_source=liberi-v-taitz-eastern-district-of-pa-137-reply-to-response-to-motion-paed-15308057603-137-0

LIBERI v TAITZ (C.D. CA) - 314.0 - DECLARATION of Lisa Liberi In ...
[beta.wellnessworks.nyc/?page.../LIBERI-v-TAITZ-C-D...Lisa-Liberi...](#)

All of which Orly Taitz has admitted in her Motion to Dismiss filed on behalf of Defend our

Freedoms Foundations, Inc., Docket No. 283. 2. Orly Taitz has threatened me several times.

Orly Taitz stated she was. going to destroy me and get rid of me, which Orly Taitz has

admitted in her Court filings.

Orly Taitz has put out on the ...

LIBERI v. TAITZ | 759 F.Supp.2d 573 (2010) | 20101224346 | Leagle ...
<https://www.leagle.com/decision/infeco20101224346>

Dec 23, 2010 - The website, <http://lisaliberi.com>, is no longer available to the public. Additionally,

the allegations that Taitz hired a hit-man and attempted to kidnap Ostella's children were not proven

by any credible evidence. As Plaintiffs' motion fails under the first and second prongs, the Court will

not continue the analysis ...

1 [CDCA ECF 593 - Liberi v Taitz - TAITZ Response to OSC | Discovery ...](#)
2 [beta.wellnessworks.nyc/?page=document/123879029/CDCA-ECF...Taitz-TAITZ...](#)

3 Plaintiffs and their attorneys have filed thousands of pages of defamatory
4 pleadings, accusing **Taitz** of the most serious crimes, such as an attempt to hire a
5 hit man to kill Liberi and **kidnap children** of **Ostella**. In the memorandum order
6 issued after 12.20.2012 hearing (Document 160 herein, 12.23.2010 order by
7 Judge ...

8 59. Additionally, Ostella admitted that she instigated criminal case against
9 Taitz in New Jersey based on these defamatory allegations. After 5 years of
10 running the web site, Ostella deleted the web site, but the damage was done.

11 60. Currently, there are literary thousands of re-prints all over the Internet
12 of Ostella's allegations that Attorney and Doctor Orly Taitz attempted to commit a
13 capital crime, to kidnap children of Ostella.

14 61. Ostella fabricated a defamatory allegation that Taitz allowed Ostella to
15 forge Taitz's signature, that Taitz allowed Ostella to sign documents pretending to
16 be Taitz. Taitz never allowed Ostella to forge her signature and never allowed her
17 to sign documents pretending to be Taitz.

18 62. Ostella fabricated an outrageous defamatory allegation about the
19 husband of Taitz, claiming that he forged a birth certificate for Barack Obama:
20 "Yosef Taitz forged a document for Orly Taitz, which was supposed to be
21 President Obama's birth certificate." (Liberi v Taitz Dkt 146-6). Similarly, Ostella
22 made a fabrication that Taitz and her husband are hacking into people's computers
23 and spying on people.

24 63. Ostella fabricated outrageous defamatory allegations against
25 supporters and donors for Taitz and DOFF in order to drive a wedge between Taitz
26 and her supporters and donors. She made a fabrication that supporter and donor of
27 Taitz, Pamela Barnett is forging documents, that supporter and donor of Taitz ,
28 Neil Sankey is hacking into computers, spying on people and forging documents,

1 that supporter and donor Fran MacLeran falsified the code on the web site and
2 sabotaged the donations drive. All of the above was included in the complaint, the
3 first amended complaint and multiple declarations by Ostella in the case at hand
4 and posted on DefendOurFreedoms.net, web site that Ostella ran from around
5 April 11, 2009 until approximately 2014. Recently Ostella deleted the web site
6 from the Internet to destroy evidence of her diverting donations from the Defend
7 Our Freedoms Foundation.

8 64. Additionally, Ostella used the mother of former co-plaintiff Lisa
9 Liberi, who sent to donors and supporters of Taitz multiple defamatory e-mails
10 accusing Taitz of attempt to kidnap children of Ostella and Liberi and other crimes
11 (Liberi v Taitz Dkt 753, exhibit Declaration of Jeff Lichter)

12 65. The aforementioned conduct of Ostella was done with the intention on
13 her part of thereby depriving Taitz of property or legal rights or otherwise causing
14 injury, and was despicable conduct that subjected Taitz to a cruel and unjust
15 hardship in conscious disregard of her rights, so as to justify an award of
16 exemplary and punitive damages.
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19

20 PRAYER

21
22 Wherefore Counter Plaintiffs pray that the Court render a judgment in their favor
23 as follows:

- 24 1. General damages in the amount of \$10,000,000
- 25 2. Punitive and exemplary damages in an amount of \$10,000,000
- 26 3. Special Damages and Presumed Damages, to be determined at trial,
- 27 4. Equitable relief including, but not limited to the relief requested
- 28

1 above,

2 5. Costs of suit incurred in this action, along with attorney fees;

3 6. Order requiring OSTELLA to publicly state a retraction and apology on
4 the Internet of her false statements about Taitz, her husband and her
5 supporters and donors,

6 7. Order for injunctive relief prohibiting Ostella from using the web
7 addresses and the name of DOFF and likeness of DOFF and Taitz in any
8 advertisement, soliciting of donations, soliciting of auctions or any other
9 purpose on the internet or any publications.

10 8. Order for injunctive relief prohibiting OSTELLA from ever mentioning
11 Taitz or alluding to Taitz in her publications on line and offline on her e-mails.

12 9. Order for prejudgment and post-judgment interest;

13 10. Order for other relief deemed by the Court as just and proper.

14 Respectfully submitted: 01.28.2018

15 **LAW OFFICES OF ORLY TAITZ**

16
17 By: /s/ Taitz
18 Orly Taitz, Esq.
19 Attorney for Counterclaimants and
20 Third Party Complaint Plaintiffs,
21 ORLY TAITZ and DEFEND OUR
22 FREEDOMS FOUNDATION, INC.
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